

Order

Michigan Supreme Court
Lansing, Michigan

October 17, 2007

Clifford W. Taylor,
Chief Justice

132087

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

THERESA BAILEY, a/k/a THERESA LONG,
Individually and as Personal Representative
of the Estate of CHRISTAL BAILEY,
Plaintiff-Appellant,

v

SC: 132087
COA: 267546
Wayne CC: 04-411504-NH

SETHAVARANGURA PORNPICHIT, M.D.,
a/k/a PORNPICHIT SETHAVARANGURA,
M.D.,
Defendant-Appellee.

By order of October 16, 2006, this Court granted immediate consideration and a stay of the trial court proceedings. On order of the Court, the application for leave to appeal the August 8, 2006 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REVERSE the portion of the judgment of the Court of Appeals remanding this case to the trial court for entry of an order dismissing the case *with* prejudice, and REMAND this case to the Wayne Circuit Court for entry of an order dismissing the case *without* prejudice. See *Kirkaldy v Rim*, 478 Mich 581 (2007). In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining question presented should be reviewed by this Court.

KELLY, J., would grant leave to appeal.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 17, 2007

Corbin R. Davis

Clerk